

## REPORT TO LICENSING COMMITTEE

<b>Date of Hearing</b>	26 February 2026
<b>Report of</b>	Service Lead – Environment and Waste
<b>Type of Application</b>	Licence for a Sex Establishment renewal of a Sex Shop Licence for the premises known as Simply Pleasure, 156 Sidwell Street, Exeter, EX4 6RT
<b>Legislation</b>	Local Government (Miscellaneous Provisions) Act 1982 Part II Schedule 3
<b>Applicant</b>	Simply Pleasure Limited (Company Number 04341488) registered office Forest Gate Spring Lane Ringwood BH24 3FH

### 1. What is the report about?

- 1.1 On 16 December 2025, an application for the renewal of a sex shop licence was received in respect of Simply Pleasure, 156 Sidwell Street, Exeter, EX4 6RT ('the Premises').
- 1.2 A copy of the application is provided at Appendix A. A location map and photograph of the Premises is attached at Appendix B. The Premises is shown edged by a red line.

### 2. Background

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 ('the Act') provides the legislative framework in relation to the licensing of sex establishments, which includes sex shops. These powers were adopted by the Council on 24<sup>th</sup> July 2012 and came into effect on 3<sup>rd</sup> September 2012.
- 2.2 Exeter City Council's Sex Establishments Licensing Policy was adopted on 23 July 2013 and is attached at Appendix C ('the Policy'). The Policy states that there are two locations within Exeter where a sex shop licence can be considered. These are Sidwell Street and Fore Street.
- 2.3 The Premises is currently operating in Sidwell Street as a licensed sex shop under the Local Government (Miscellaneous Provisions) Act 1982.
- 2.4 A copy of the existing licence is attached as Appendix D with operating hours from:  
  
Monday to Saturday – 09:00hrs until 18:00hrs  
Sunday 10.00hrs until 16.00hrs.

### 3. Report Details:

#### Application

- 3.1 The Applicant has applied for a sex shop licence for the following hours:  
  
Monday to Saturday – 10:00hrs until 18:00hrs  
Sunday 11.00hrs until 16.00hrs.

- 3.2 The statutory consultation exercise was undertaken in accordance with Schedule 3 of the Act. This requires the publication of an advertisement in a local newspaper circulating in the appropriate authority's area not later than 7 days after the date of the application and the display of a notice for 21 days beginning with the date of the application on or near the Premises and in a place where the notice can conveniently be read by the public.
- 3.3 A copy of the notice is attached at Appendix E.
- 3.4 Any person objecting to an application for the grant, renewal, transfer or variation of a licence under Schedule 3 shall give notice in writing of the objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application.

### **Relevant Objections**

- 3.5 Four objections have been received in respect of this application within the statutory representation period. The objections are attached as Appendix F. Of the four objections received two have been withdrawn subject to the existing licence conditions being maintained.
- 3.6 Although the Licensing Committee is under a duty to consider any objections made no later than 28 days of the application, it has discretion to hear later objections provided the Applicant is given the opportunity to deal with those objections. This was confirmed in the case *Miss Behavin' Ltd v Belfast City Council* [2007] UKHL 19 where the House of Lords held that while the Act required the authority to consider objections lodged in time, it also had discretion to consider late objections. At the time of writing this report only one late objection has been received in relation to the application. This is attached at Appendix I. The Licensing Committee will have to consider whether to grant permission to any late representations.

### **Compliance Visit**

- 3.7 Officer's conducted a compliance visit of the Premises in order to check the current levels of compliance at the Premises. The report of this visit is attached as Appendix G.
- 3.8 The compliance visit found the Premises to be well managed and fully compliant with the conditions of the current licence.

## **4. Policy Considerations**

- 4.1 The Policy sets out the Council's detailed application procedure and process for determining applications for Sex establishments. These are set out in Sections 5, 6 and 7 of the Policy which includes Policies 1-10 the headings for which are set out below;

Policy 1: Procedure for Applications

Policy 2: Procedure for Consideration of Applications

Policy 3: Mandatory Grounds for Refusal

Policy 4: Discretionary Grounds for Refusal

Policy 5: Suitability of the Applicant

Policy 6: Suitability of the Manager or Beneficiary

Policy 7: The number of sex establishments

Policy 8: Character of the Locality

Policy 9: Vicinity

Policy 10: Layout Character and Location

- 4.2 Section 8 of the Policy sets out the standard conditions to be attached to the Licence should the Licensing Committee be minded to grant the application.
- 4.3 In formulating the Policy the Council had regard to the Home Office Guidance regarding Sex Establishments.
- 4.4 The Licensing Committee may also consider other complimentary Council policies including to the Corporate Plan 2022-2026 and the Exeter Local Plan both available on the Council's website.

## 5. Legal considerations

- 5.1 Schedule 3 paragraph 4 (1) of the Act states that a sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

- (a) sex articles; or

- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—

- (i) sexual activity; or

- (ii) acts of force or restraint which are associated with sexual activity.

Paragraph 4 (3) states that in this Schedule “sex article” means—

- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—

- (i) sexual activity; or

- (ii) acts of force or restraint which are associated with sexual activity; and

- (b) anything to which sub-paragraph (4) below applies.

- (4) This sub-paragraph applies—

- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and

- (b) to any recording of vision or sound, which—

- (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or

- (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

- 5.2 The Licensing Committee must consider the application to grant the licence under Schedule 3 of the Act and may take such of the following steps it considers necessary:

- (a) It may grant the application as requested and apply the standard conditions in the Policy.

- (b) It may grant the application whilst imposing additional conditions and/or altering the standard conditions.

(c) It may refuse the application on one or more of the mandatory or discretionary grounds set out in Paragraph 12 of Schedule 3 to the Act.

5.3 There are five mandatory grounds for refusing a licence in Paragraph 12 of Schedule 3 to the Act which states that a licence under this Schedule shall not be granted –

- to a person under the age of 18;
- to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- to a person, other than a body corporate, who is not resident in the United Kingdom or an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an EEA state; or
- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

5.4 There are four discretionary grounds for refusing a licence. Paragraph 12 of Schedule 3 to the Act states that a licence under this Schedule may not be granted where –

- the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- if the licence were to be granted, renewed, or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal, transfer or variation of such a licence if he made the application himself;
- the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- that the grant or renewal of the licence would be inappropriate having regard:
  - to the character of the relevant locality; or
  - to the use to which any premises in the vicinity are put; or
  - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

5.5 Applications should only be refused where the Licensing Committee considers it is necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.

5.6 A refusal to grant a licence may be challenged by way of appeal to the Magistrates' Court and/or an application to the High Court for judicial review.

5.7 Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.8 An Equalities Impact Assessment has been undertaken by the Principal Licensing Officer and is attached as Appendix H.

5.9 When determining a licence application, the Licensing Committee will have regard to

any rights the Applicant may have under the European Convention on Human Rights in accordance with the Human Rights Act 1998. The Licensing Committee must consider whether the decision affects an individual, group or company's Human Rights as set out in the European Convention of Human Rights and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition, consideration must be given to whether the interference is proportionate to the general purpose.

## **6. Recommendations:**

- 6.1 The Council's constitution and the Policy provides that this application should be determined by the Licensing Committee. It is therefore for the Licensing Committee to determine the application, taking into consideration the Sex Establishment Licensing Policy.
- 6.2 It is recommended that the Licensing Committee determine the application.

Service Lead – Environment & Waste

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## **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-  
Exeter City Council Sex Establishment Licensing Policy – 1 August 2015  
Application Form  
Inspection Report

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